



Forest Service

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Secure Rural Schools Act Resource Advisory Committee.

2. Authority

Each Secure Rural Schools Act resource advisory committee is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. No. 106-393) as amended by the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (Pub. L. 110-343, Division C, Title VI), hereafter referred to as the Act, and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

3. Objectives and Scope of Activities

The purpose of each committee is to improve collaborative relationships among the people that use and care for the national forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act.

The establishment of a committee is required by statute where a county elects to share in the Act's State payment and allocates a portion of its share of the State payment for purposes authorized under title II of the Act. The county's decision to allocate a portion of the State payment for purposes authorized under title II is not within control of the Secretary of Agriculture and therefore each Secure Rural Schools Act resource advisory committee is considered to be required by statute (non-discretionary) under FACA regulations.

A committee is established by the Secretary for part of, or for one or more national forests to ensure that each supervisor of a national forest located in one or more eligible counties that have allocated funds to title II has access to the advice of a committee in accordance with the Act. The appropriate geographic scale for each committee is determined at the Secretary's discretion with consideration given to efficiency and effectiveness of the committee in performing its duties and the efficiency in providing administrative support by the Forest Service.

4. Points of View Needed for the Committee

In accordance with the Act, each committee shall be comprised of 15 members who provide balanced and broad representation from within each of the following three categories of interests specified in the Act:

- a. Five persons who
 - i. represent organized labor or non-timber forest product harvester groups;
 - ii. represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
 - iii. represent energy and mineral development, or commercial or recreational fishing interests;
 - iv. represent the commercial timber industry; or
 - v. Hold Federal grazing permits or other land use permits or represent non-industrial private forest land owners within the area for which the committee is organized.
- b. Five persons who represent
 - i. nationally recognized environmental organizations;
 - ii. regionally or locally recognized environmental organizations;
 - iii. dispersed recreational activities;
 - iv. archaeological and historical interests; or
 - v. nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.
- c. Five persons who
 - i. hold State elected office (or a designee);
 - ii. hold county or local elected office;
 - iii. represent American Indian tribes within or adjacent to the area for which the committee is organized;
 - iv. represent school officials or teachers; or
 - v. represent the affected public-at-large.

Members shall reside within the State(s) in which the committee is organized. To the extent practical, the membership of each of the three categories will include residents in the vicinity of the national forest for which the committee provides advice.

Every effort will be made to ensure that the membership of this Committee is balanced, nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee.

A simple majority of the members of the committee must be present to constitute an official meeting of the committee. Attendance may be in-person, by telephone or other electronic means.

5. Other Balance Factors

Equal opportunity practices in accordance with United State Department of Agriculture (USDA) policies shall be followed in all appointments to the committee. To help ensure that the recommendations of the committee have taken into account the needs of the

diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent women, men, racial and ethnic groups, and persons with disabilities.

6. Candidate Identification Process

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county governments, organizations and individuals who represent the interests specified in the Act. The Outreach plan provides additional guidance on seeking nominees. The Forest Supervisor who will receive advice from the committee is responsible for forwarding nominees to be vetted, approved and appointed by the Secretary of Agriculture.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

7. Subcommittee Balance

The balance plan for any subcommittee shall incorporate the same policies and practices as for the committee of the whole. Further, any subcommittee shall include at least one member from each of the three categories of interests identified in the Act.

8. Date Prepared or Updated: July 20, 2011

9. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
 - (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
 - (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
 - (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
 - (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)
-